

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

UNITED STATES OF AMERICA

VS.

CRIMINAL ACTION NO. 4:06cr8WHB-JCS

GARRICK THOMAS

ORDER

Before the Court is Government's Motion *ore tenus* to Set Aside the Order of this Court, dated August 3, 2006, whereby the indictment was dismissed without prejudice and to withdraw the Motion to Dismiss upon which that Order was granted. It appeared to the Court that the Government's Motion to Dismiss was inadvertently presented to the Court by mistake. Defendant had no objection to the granting of the Motion to Set Aside the August 3, 2006 Order and for the Government to withdraw its Motion to Dismiss.

Accordingly, the *ore tenus* Motion to Set Aside the August 3, 2006 Order is hereby granted and the indictment is hereby reinstated. Further, the Government's Motion to withdraw its previously filed Motion to Dismiss is granted.

SO ORDERED this the 15th day of August, 2006.

s/William H. Barbour, Jr.
UNITED STATES DISTRICT JUDGE